

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

CRYSTAL COVINGTON,

Plaintiff,

v.

ALEJANDRO MAYORKAS,

Defendant.

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1:22-CV-864-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendant's Motion to Dismiss, (Dkt. 17), Plaintiff's Response and Rebuttal Against Defendant's Motion to Dismiss & Amended Complaint, (Dkt. 19), and Defendant's Reply in Support of Defendant's Motion to Dismiss, (Dkt. 20). (R. & R., Dkt. 24). Both parties timely filed objections to the report and recommendation. (Objs., Dkts. 26, 27).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because the parties timely objected to portions of the report and recommendation, the Court reviews those portions *de novo*. The Court reviews the remainder of the report and recommendation for clear error. Having done so and for the reasons given in the report and recommendation, the Court overrules the parties' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 24), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss, (Dkt. 17), is **GRANTED IN PART AND DENIED IN PART**. The Motion is **DENIED** as to Plaintiff's retaliation claim for her termination. The Motion is **GRANTED** as to Plaintiff's other claims.

Plaintiff's only remaining claim is her retaliation claim for termination of her employment.

**SIGNED** on July 20, 2023.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE